

E & R AMENDMENTS TO LB 1175

Introduced by Enrollment and Review Committee: Flood, 19,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 15-201.02, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 15-201.02 In addition to any other powers granted to it
6 by law, a city of the primary class may enter into installment
7 contracts for the purchase of real or personal property. Such
8 contracts need not be restricted to a single year and may provide
9 for the purchase of the property in installment payments to be paid
10 over more than one fiscal year. This section shall be in addition
11 to and notwithstanding the provisions of a home rule charter.

12 Sec. 2. Section 18-2147, Revised Statutes Cumulative
13 Supplement, 2004, is amended to read:

14 18-2147 (1) Any redevelopment plan as originally approved
15 or as later modified pursuant to section 18-2117, may contain a
16 provision that any ad valorem tax levied upon real property in
17 a redevelopment project for the benefit of any public body shall
18 be divided, for a period not to exceed fifteen years after the
19 effective date of such a provision by the governing body, as
20 follows:

21 (a) That portion of the ad valorem tax which is produced
22 by the levy at the rate fixed each year by or for each such public
23 body upon the redevelopment project valuation shall be paid into

1 the funds of each such public body in the same proportion as are
2 all other taxes collected by or for the body;

3 (b) That portion of the ad valorem tax on real property
4 in the redevelopment project in excess of such amount, if any,
5 shall be allocated to and, when collected, paid into a special fund
6 of the authority to be used solely to pay the principal of, the
7 interest on, and any premiums due in connection with the bonds of,
8 loans, notes, or advances of money to, or indebtedness incurred by,
9 whether funded, refunded, assumed, or otherwise, such authority for
10 financing or refinancing, in whole or in part, the redevelopment
11 project. When such bonds, loans, notes, advances of money, or
12 indebtedness, including interest and premiums due, have been paid,
13 the authority shall so notify the county assessor and county
14 treasurer and all ad valorem taxes upon taxable real property in
15 such a redevelopment project shall be paid into the funds of the
16 respective public bodies; and

17 (c) Any interest and penalties due for delinquent taxes
18 shall be paid into the funds of each public body in the same
19 proportion as are all other taxes collected by or for the public
20 body.

21 (2) The governing body shall not implement any plan
22 containing a provision dividing ad valorem taxes as provided in
23 subsection (1) of this section until such time as the real property
24 in the redevelopment project is within the corporate boundaries of
25 the city.

26 (3) Notice of the provision dividing ad valorem taxes
27 shall be sent in writing by the authority to the county assessor

1 on or before August 1 of the year of the effective date of
2 the provision. Failure to satisfy the notice requirement of this
3 section shall result in the taxes, for all taxable years affected
4 by the failure to give notice of the effective date of the
5 provision, remaining undivided and being paid into the funds
6 for each public body receiving property taxes generated by the
7 property in the redevelopment project. However, the redevelopment
8 project valuation for the remaining division of ad valorem taxes
9 in accordance with subdivisions (1)(a) and (b) of this section
10 shall be the last certified valuation for the taxable year prior
11 to the effective date of the provision to divide the taxes for the
12 remaining portion of the fifteen-year period pursuant to subsection
13 (1) of this section.

14 Sec. 3. Section 19-4801, Revised Statutes Cumulative
15 Supplement, 2004, is amended to read:

16 ~~19-4801~~ (1) The chief or head official of the fire
17 department, fire inspectors as may be designated by such chief or
18 head official, or inspectors charged with the enforcement of fire,
19 health, or safety codes and constructional technical codes of a
20 city of the first class, city of the primary class, or city of the
21 metropolitan class shall have the authority, after being trained by
22 a certified law enforcement officer in the policies and procedures
23 for issuance of citations, to issue citations for violations
24 of fire, health, and safety codes and constructional technical
25 codes ~~(1)~~ (a) that constitute infractions or violations of city
26 ordinances, ~~(2)~~ (b) that are violations of the fire, health, or
27 safety code or constructional technical code that the official or

1 inspector issuing the citation is charged with enforcing, and ~~(3)~~
2 (c) in which the circumstances do not pose a danger to the official
3 or inspector.

4 (2) If a city of the second class or village has
5 adopted and is enforcing a fire, health, safety, or constructional
6 technical code, the chief or head official of the fire department,
7 fire inspectors designated by such chief or head official, or
8 such inspectors charged with the enforcement of the fire, health,
9 safety, or constructional technical code shall have the authority,
10 after being trained by a certified law enforcement officer in
11 the policies and procedures for issuance of citations, to issue
12 citations for violations of fire, health, safety, or constructional
13 technical codes (a) that constitute infractions or violations of
14 city or village ordinances, (b) that are violations of the fire,
15 health, safety, or constructional technical code that the official
16 or inspector issuing the citation is charged with enforcing, and
17 (c) where the circumstances do not pose a danger to the official
18 or inspector.

19 (3) A citation issued under this section shall be
20 equivalent to and have the same legal effect as a citation
21 issued in lieu of arrest or continued custody by a peace officer
22 if the citation and procedures utilized meet the requirements of
23 sections 29-422 to 29-429. The citation shall be on the same form
24 prescribed under section 29-423. Failure to appear or comply with
25 a citation issued under this section shall be punishable in the
26 same manner as provided in section 29-426. An official or inspector
27 issuing a citation under this section shall not have authority to

1 take a person into custody or detain a person under this section or
2 section 29-427.

3 Sec. 4. Section 29-424, Revised Statutes Cumulative
4 Supplement, 2004, is amended to read:

5 29-424 When a citation is used by a peace officer or
6 when a citation is used by an official or inspector pursuant to
7 section ~~19-4801~~ 3 of this act, he or she shall enter thereon all
8 required information, including the name and address of the cited
9 person, the offense charged, and the time and place the person
10 cited is to appear in court. Unless the person cited requests an
11 earlier date, the time of appearance shall be at least three days
12 after the issuance of the citation. One copy of the citation shall
13 be delivered to the person cited, and a duplicate thereof shall
14 be signed by such person, giving his or her promise to appear at
15 the time and place stated therein. Such person thereupon shall be
16 released from custody. As soon as practicable, the copy signed by
17 the person cited shall be delivered to the prosecuting attorney.

18 At least twenty-four hours before the time set for the
19 appearance of the cited person, either the prosecuting attorney
20 or other person authorized by law to issue a complaint for the
21 particular offense shall issue and file a complaint charging such
22 person with an offense or such person shall be released from the
23 obligation to appear as specified. A person cited pursuant to
24 sections 29-422 to 29-429 may waive his or her right to trial. The
25 Supreme Court may prescribe uniform rules for such waivers.

26 Anyone may use a credit card authorized by the court in
27 which the person is cited as a means of payment of his or her fine

1 and costs.

2 Sec. 5. Section 31-741, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 31-741 ~~For the first eight years after the election of~~
5 ~~the initial board of trustees pursuant to section 31-735, all~~
6 All contracts for construction work to be done or materials or
7 equipment purchased, the expense of which is more than ~~ten~~ twenty
8 thousand dollars, and ~~after such eight-year period,~~ all contracts
9 for work to be done or materials or equipment purchased, the
10 expense of which is more than fifteen thousand dollars, shall be
11 let to the lowest responsible bidder, upon notice of not less than
12 twenty days, of the terms and conditions of the contract to be
13 let. The board of trustees or the administrator shall have power
14 to reject any and all bids and readvertise for the letting of
15 such work or to negotiate any contract after an unsuccessful public
16 letting.

17 Sec. 6. Section 35-1207, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 35-1207 (1) Any rural or suburban fire protection
20 district or mutual finance organization seeking funds pursuant
21 to the Mutual Finance Assistance Act shall submit an application
22 for funding to the State Treasurer by July 1, ~~or ten days after~~
23 ~~June 1, 1998, whichever is later.~~ The State Treasurer shall
24 develop the application which requires calculations showing assumed
25 population eligibility under section 35-1205 and the distribution
26 amount under section 35-1206. If the applicant is a mutual
27 finance organization, it shall attach to its first application

1 a copy of the agreement pursuant to section 35-1204 and attach
2 to any subsequent application a copy of an amended agreement or
3 an affidavit stating that the previously submitted agreement is
4 still accurate and effective. Any mutual finance organization
5 making application pursuant to this section shall include with the
6 application additional financial information regarding the manner
7 in which any funds received by the mutual finance organization
8 based upon the prior year's application pursuant to the act have
9 been expended or distributed by that mutual finance organization.
10 The State Treasurer shall provide copies of such reports on mutual
11 finance organization expenditures and distributions to the Clerk of
12 the Legislature by December 1 of each year in which any reports
13 are filed.

14 (2) The State Treasurer shall review all applications for
15 eligibility for funds under the act and approve any application
16 which is accurate and demonstrates that the applicant is eligible
17 for funds. On or before August 15, the State Treasurer shall notify
18 the applicant of approval or denial of the application and certify
19 the amount of funds for which an approved applicant is eligible.
20 The decision of the State Treasurer may be appealed as provided in
21 the Administrative Procedure Act.

22 (3) ~~Funds~~ Except as provided in subsection (4) of this
23 section, funds shall be disbursed by the State Treasurer in two
24 payments which are as nearly equal as possible, to be paid on
25 or before November 1 and May 1. If the Mutual Finance Assistance
26 Fund is insufficient to make all payments to all applicants in
27 the amounts provided in section 35-1206, the State Treasurer shall

1 prorate payments to approved applicants. Funds remaining in the
2 Mutual Finance Assistance Fund on June 1 shall be transferred to
3 the General Fund before July 1.

4 (4) No funds shall be disbursed to an eligible mutual
5 finance organization until it has provided to the State Treasurer
6 the financial information regarding the manner in which it has
7 expended or distributed prior disbursements made pursuant to the
8 Mutual Finance Assistance Act as provided in subsection (2) of this
9 section.

10 Sec. 7. Original sections 15-201.02, 31-741, and 35-1207,
11 Reissue Revised Statutes of Nebraska, and sections 18-2147,
12 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004,
13 are repealed.

14 2. On page 1, strike beginning with "the" in line
15 1 through line 5 and insert "political subdivisions; to amend
16 sections 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes
17 of Nebraska, and sections 18-2147, 19-4801, and 29-424, Revised
18 Statutes Cumulative Supplement, 2004; to change provisions relating
19 to installment contracts for purchases, redevelopment projects,
20 issuance of citations for code violations, construction contracts,
21 and mutual finance organizations; to harmonize provisions; and to
22 repeal the original sections."